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1 department of environment have a duty to establish rules to  
2 effectively implement these responsibilities; and

3 WHEREAS, the state has a duty to protect its citizens from  
4 environmental pollution, particularly in light of its health  
5 policy to protect and improve the physical environment; and

6 WHEREAS, the state has a duty to ensure that its citizens  
7 have a strong voice in the environmental decision-making  
8 process regardless of race, income, national origin or English  
9 language proficiency; and

10 WHEREAS, the state has a duty to ensure that its citizens  
11 have an equal opportunity to participate fully and meaningfully  
12 during public hearings and public meetings, and that testimony  
13 by the public as it relates to the public's health, safety and  
14 social welfare should be formally documented, considered and  
15 weighed during the decision-making process;

16 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
17 STATE OF NEW MEXICO that the environmental improvement board  
18 and the department of environment be requested to develop and  
19 implement policies to adequately enforce these authorities,  
20 including:

21 A. an environmental and public health assessment  
22 that includes an analysis of multiple air and water impacts of  
23 permeates;

24 B. an analysis of the environmental burdens faced  
25 by communities with permitted facilities when compared with

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1 other communities of higher income or fewer minority residents;

2 C. collection of data on baseline public health  
3 conditions and an assessment of potential exposures, based on  
4 the environmental and public health assessments in permit  
5 applications;

6 D. an analysis of technological, site planning and  
7 operational alternatives to reduce the adverse impacts of  
8 permittees;

9 E. proposed on-site and off-site mitigation  
10 measures to reduce multiple impacts and increase environmental  
11 benefits;

12 F. the demographic composition of the affected  
13 community as it pertains to minority or low-income status;

14 G. an assessment of the capability of emergency  
15 responders and community residents to respond to an imminent  
16 public health threat within the affected community;

17 H. a requirement that any solid waste facility be  
18 located at least five miles beyond the borders of any community  
19 to protect public health, safety and welfare;

20 I. a requirement that all existing facilities  
21 comply with all environmental rules and that the department of  
22 environment commit adequate resources to enforcement and  
23 compliance management;

24 J. a provision of financial resources to clean up  
25 existing contaminated sites so that those resources are

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1 distributed to communities most affected without regard to  
2 race, income, national income or English language proficiency;

3 K. expanded outreach and education activities  
4 through the use of alternative media outlets, such as community  
5 or ethnic newspapers, and alternative information repositories  
6 and through translation of materials or interpretation services  
7 at public meetings within communities where a primary language  
8 other than English is typically used in the home;

9 L. public notification regarding new or expanding  
10 sources of air emissions, ground water discharges, surface  
11 water discharges or waste facilities be located in a prominent  
12 area of the newspaper and occur in a minimum of three  
13 newspapers of public distribution within the impacted  
14 community; and

15 M creation of a citizen review committee,  
16 comprised of community members, to review and approve of new or  
17 expanding sources of air emissions, ground water discharges,  
18 surface water discharges or waste facilities; and

19 BE IT FURTHER RESOLVED that the environmental improvement  
20 board and the department of environment present their findings  
21 and progress on these initiatives by October 30, 2002 before an  
22 appropriate interim legislative committee; and

23 BE IT FURTHER RESOLVED that copies of this memorial be  
24 transmitted to the secretary of environment.